THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5439 of 2006

10.04.2006

Between:

R.Srinivasa Rao, S/o Suryanarayana and another.

...Petitioners

Vs.

The Deputy Collector & Mandal Revenue Officer, Quthbullapur Mandal, R.R. District and another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5439 OF 2006

ORDER:

The first petitioner purchased an extent of Acs.1.26 guntas in survey No.90 of Nizampet village from one Sudhakar Rao under registered sale deed, dated 10.02.2005 and second petitioner purchased an extent of Acs.1.25 guntas from one Malleswara Rao under Agreement of Sale–cum-General Power of Attorney, dated 24.03.2005. The first respondent initiated action under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and issued show cause notices, dated 12.07.2005 in Form No.I under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977 calling upon the petitioners to show cause as to why they should not be evicted from the land, which is found to be in possession of the petitioners in contravention of sub-section (2) of Section 3 of the Act. The petitioners submitted a preliminary explanation on 24.08.2005. They also requested the first respondent to furnish copy of the proceedings/patta, which was issued in the name of Gandani Mysaiah and Sailoo vide Tahsil file No.A.3/6162/60, in vain. Therefore, they filed the present writ petition seeking a direction to respondents to issue a copy of laoni patta in respect of survey No.90 of Nizampet village.

The matter was initially listed before this Court on 20.03.2006 and the same was adjourned to enable the learned Assistant Government Pleader for Revenue (Assignment) to get instructions in the matter. On 03.04.2006, learned Assistant Government Pleader submitted that the record relating to assignment in favour of landless poor persons is not available in the office of the Mandal Revenue Officer. Therefore, this Court directed the learned Assistant Government Pleader to see that

appropriate reply is given to the petitioner. When the matter is called, on 10.04.2006, the learned Assistant Government Pleader placed before this Court a copy of Memo No.A/3710/05, dated 03.04.2006, whereby and whereunder the petitioners herein were informed that, "the assignment file bearing No.A3/6162/60 relating to survey No.90 of Nizampet village, Quthbullapur Mandal is not received from erstwhile Medchal Taluq Office, Medchal and as well as this office … as soon as the said file is traced out, copy of the Proceedings will be supplied to the petitioner". By the said Memo, the first respondent also enclosed the faisal patti for the year 1962-1963 in the laoni ijafa was sanctioned. In view of this, the grievance of the petitioner is sufficiently redressed. Indeed, in a similar matter, being W.P.No.4156 of 2006, dated 06.03.2006, this Court disposed of the writ petition observing as under.

> The learned Government Pleader for the respondent on instructions submitted that pursuant to the said explanation efforts have been made to trace out the original assignment file No.A3/6170 but so far the record has not been placed. However, efforts will be made to trace out the said file from the Taluk office Medchal and thereafter necessary orders will be passed in accordance with law.
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> In view of the aforesaid facts and circumstances that no final orders are being passed and it is specifically stated that necessary orders will be passed after following due process of law, no further orders need be passed.
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> With the above observation, the writ petition is accordingly disposed of, as no further orders need be passed.

In view of the above, this writ petition is also disposed of in the above terms. No costs.

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(V.V.S.RAO,J)

10.04.2006

pln